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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**RON TSUR,**

Plaintiff,

v.

**INTEL CORPORATION,**

Defendant.

Case No. 3:21-cv-00655-SI

**JOINT DISCOVERY PLAN**

Pursuant to Rule 26(f) and Local Rule 26-1, Plaintiff Ron Tsur and Defendant Intel Corporation, by and through their respective counsel of record, respectfully submit this Joint Discovery Plan for the Court's consideration.

**I. Statement of the Case**

The parties participated in a Rule 26(f) conference on November 9, 2021 through counsel for Plaintiff, Shanti S. Lewallen and counsel for Defendant, Helen McFarland.

**A. Plaintiff's Statement of the Case**

Plaintiff brings claims against Defendant for discrimination and retaliation on the basis of age, whistleblower status and national origin, related to adverse employment action by Defendant's agents, including Defendant's termination of Plaintiff's employment on July 15, 2015.

**B. Defendant's Statement of the Case**

Plaintiff was an employee of Intel from January 2011 until July 15, 2015, when he was separated through a 2015 cost-saving program that impacted 1,155 domestic employees. Defendant denies that Plaintiff was selected because of his age, national origin, or in retaliation for any conduct or complaints that he may have made during his employment. Defendant contends that this lawsuit lacks merit and should be dismissed.

**II. Initial Disclosures**

The parties will proceed with Initial Discovery Protocols pursuant to Local Rule 26-7, and agree to exchange Initial Disclosures on December 13, 2021. The parties agree to supplement these disclosures as required by applicable law.

### **III. Discovery Plan**

The parties propose the following discovery plan:

- a. Discovery will include these subjects: Matters arising from and related to Plaintiff's employment with defendant, including but not limited to: his termination, the existence, nature and amount of alleged damages incurred, and plaintiff's efforts to mitigate alleged damages.
- b. Disclosure or discovery of electronically stored information (ESI) should be handled as follows: The parties shall use good faith efforts to identify custodians and implement search terms to find documents responsive to discovery requests seeking ESI. The parties will produce ESI in the form of OCR, text-searchable PDF's. Absent a showing of specific need and good cause, the parties will not produce ESI in native format or provide the metadata for the native files.
- c. All lay witness and document discovery will be completed by August 1, 2022.
- d. Dispositive motions will be filed on or by September 29, 2022.
- e. Interrogatories. The parties agree to adhere to the limits and requirements of Federal Rule of Civil Procedure 33 and Local Rule 33.
- f. Requests for Admission. The parties agree to adhere to the requirements of Federal Rule of Civil Procedure 36 and Local Rule 36.
- g. Depositions. The parties will take depositions in accordance with the Federal Rules of Civil Procedure.
- h. Expert Witness Reports. Plaintiff would like to set an expert witness disclosure date after Dispositive Motions have been resolved. Defendant proposes that Plaintiff's expert witness disclosure and reports be exchanged by August 15, 2022 and that Defendant's expert disclosure and reports be exchanged by September 15, 2022.
- i. The parties anticipate executing a Stipulated Protective Order that is modeled on the District of Oregon model protective order.

### **IV. Proposed Deadline For Joining Additional Parties**

Plaintiff has indicated that he does not currently anticipate joining additional parties or amending his Complaint. However, he does not wish to set a deadline for joining additional parties or amending his Complaint until after the Deadline to Complete Fact Discovery.

Defendant proposes a deadline of December 1, 2021 for joining additional parties and amending all pleadings.

**V. Other Issues**

- a. The parties propose a trial beginning at least 60 days after dispositive motions are ruled on. Plaintiff estimates the trial will be as long as 14 days. Defendant estimates this trial will be 7-10 days at most.
- b. Prospects for settlement. The parties are currently unable to assess the likelihood of settlement, but will reassess settlement prospects as the case proceeds.
- c. Potential ADR. At this time, the parties do not believe this case is appropriate for alternative dispute resolution, but will assess the appropriateness of ADR as the case proceeds.

**SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD**

/s/ Shanti Lewallen

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***Of Attorneys for Plaintiff***

/s/ Helen M. McFarland

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***Of Attorneys for Defendant***

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing *Joint Discovery Plan* on this 22nd day of November 2021, by:

- ☐ Facsimile
- ☐ First Class Mail
- ☐ Hand-Delivery
- ☐ E-mail
- ☒ CM/ECF Service

directing a true copy thereof to Defendants' attorneys at the address(es) shown below:

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DATED this 22nd day of November 2021.

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